EXHIBIT 1

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 1          UNITED STATES DISTRICT COURT
           NORTHERN DISTRICT OF CALIFORNIA
 2                 OAKLAND DIVISION
      CHASOM BROWN,
 3
 4            Plaintiff,     Case No.
      vs.
 5                           4:20-cv-03664-YGR-SVK
 6      GOOGLE LLC,
 7            Defendant.
 8      * * * * * * * * * * * * * * * * * * * * * * * * * * * * *
                     CONFIDENTIAL
 9                    VOLUME II
        CONTINUED ZOOM VIDEOTAPED DEPOSITION OF
10                 JONATHAN HOCHMAN
                   July 21, 2022
11                   10:09 a.m.
        * * * * * * * * * * * * * * * * * * * * * * * * * * * * *
12
13
14    TAKEN BY:
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          ATTORNEY FOR DEFENDANT
16
17    REPORTED BY:
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          COURT REPORTER
20        VERITEXT LEGAL SOLUTIONS
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7    ALSO PRESENT:
        Konstantinos Psounis, Ph.D.
8       Julie Burns
        John Wilson, IV - Quinn Emanuel
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 4      Testimony of:

 5              JONATHAN HOCHMAN

 6      MR. ANSORGE............................. 372

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 9

10    Request for Production of Documents

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15    Stipulations

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19

20    Question Marked

21    Page Line

22    none

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1	THE VIDEOGRAPHER: Good morning.	
2	We're going on the record at	10:09:00
3	10:09 a.m. The date is July 21, 2022.	10:09:02
4	Please note that this deposition is	10:09:07
5	being conducted virtually. Quality of	10:09:09
6	recording depends on the quality of	10:09:12
7	camera and Internet connection of	10:09:14
8	participants. What is seen from the	10:09:17
9	witness and heard on screen is what	10:09:18
10	will be recorded. Audio and video	10:09:20
11	recording will continue to take place	10:09:22
12	unless all parties agree to go off the	10:09:23
13	record.	10:09:25
14	This is media unit number 1 of	10:09:26
15	the video recorded deposition of	10:09:28
16	Jonathan Hochman, volume 2, taken by	10:09:31
17	counsel for defendant in the matter of	10:09:33
18	Chasom Brown, et al., v Google LLC,	10:09:35
19	filed in the United States District	10:09:38
20	Court, Northern District of	10:09:40
21	California, Oakland Division. Case	10:09:41
22	No. 4:20-cv-03664-YGR-SVK. It is	10:09:44
23	being conducted remotely using virtual	10:09:53
24	technology.	10:09:55
25	My name is Sean Grant from	10:09:56

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1	Veritext. I'm the videographer. And	10:09:57
2	the court reporter is Belle Vivienne,	10:09:59
3	also from Veritext.	10:10:01
4	Please note that the witness has	10:10:03
5	been previously sworn in. Counsel,	10:10:05
6	you may proceed.	10:10:08
7	JONATHAN HOCHMAN,	10:10:08
8	having been previously duly sworn by the	10:10:08
9	Certified Stenographic Realtime Reporter,	10:10:08
10	testified as follows:	10:10:08
11	EXAMINATION	10:10:10
12	BY MR. ANSORGE:	10:10:10
13	Q. Good morning, Mr. Hochman, how	10:10:10
14	are you doing today?	10:10:12
15	A. So far, so good.	10:10:13
16	Q. Do you recall yesterday we were	10:10:15
17	discussing your opinion 14 that relates to	10:10:17
18	private browsing information being used to	10:10:21
19	measure and model conversions?	10:10:23
20	A. Yes, I did have a chance to look	10:10:25
21	over the rough transcript, and I saw	10:10:30
22	that's where we ended. And by the way, as	10:10:32
23	I was looking over the rough transcript,	10:10:34
24	it reminded me of something that I would	10:10:37
25	like to tell you if -- if you're	10:10:40

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1	interested.	10:10:43
2	Q. How long do you expect it to	10:10:44
3	take?	10:10:46
4	A. One minute.	10:10:47
5	Q. Let's do it, Mr. Hochman, one	10:10:48
6	minute.	10:10:50
7	A. Okay. I mentioned that I hadn't	10:10:51
8	prepared a rebuttal report to	10:10:53
9	Mr. Psounis -- Dr. Psounis --	10:10:55
10	Professor Psounis, I'm sorry -- whatever	10:10:59
11	the case may be.	10:11:02
12	And that's because procedurally,	10:11:05
13	he -- his report came in as a rebuttal	10:11:08
14	and -- and, therefore, I did not have an	10:11:12
15	opportunity to write a rebuttal to him. I	10:11:14
16	did not want to imply that I agree with or	10:11:16
17	concede any of the points in his report.	10:11:19
18	In fact, I disagree with all of	10:11:20
19	his opinions that relate to my work, and I	10:11:23
20	just wanted to be clear on that and also	10:11:28
21	give you the chance, you know, today to	10:11:30
22	ask me any questions about that should you	10:11:33
23	wish to.	10:11:35
24	Q. Yeah, thank you, Mr. Hochman.	10:11:37
25	We didn't understand you to be agreeing	10:11:38

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1	then it could retain that record.	10:54:24
2	Q. Does your opinion 31 only relate	10:54:31
3	to class 1, or does it also relate to	10:54:33
4	class 2?	10:54:35
5	A. I haven't -- I don't think that	10:54:38
6	opinion 31 has -- is limited to class 1 or	10:54:40
7	class 2, and I'm aware that the incognito	10:54:43
8	detection bits only exist for a	10:54:45
9	significant subset of class 1 in that	10:54:51
10	they're -- I wouldn't expect to find	10:54:56
11	incognito detection bits for class 2, but	10:54:58
12	we still don't know what the unknowns are.	10:55:01
13	Maybe there is something that just hasn't	10:55:03
14	been revealed to us yet.	10:55:06
15	Q. And apart from that speculation,	10:55:08
16	Mr. Hochman, you're not opining that	10:55:12
17	Google distinguishes between non-Chrome	10:55:15
18	private browsing data and non-Chrome	10:55:19
19	browsing data, correct?	10:55:22
20	MR. MAO: Objection, assumes	10:55:23
21	facts not in evidence.	10:55:26
22	Go ahead.	10:55:27
23	A. Okay. So I'm going to start	10:55:27
24	with the part where you suggested that I	10:55:28
25	was speculating.	10:55:30

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 1              It's not speculation for me to      10:55:31

 2   think that you may have withheld something    10:55:33

 3   from me when it's already proven that you     10:55:35

 4   did withhold stuff from me that was           10:55:37

 5   serious.  And so it's not speculation.        10:55:40

 6   It's an inference.                            10:55:42

 7              Now, if you take out that part     10:55:45

 8   of the question, that you take out the        10:55:47

 9   false premise, then maybe re-ask it           10:55:49

10   without that, I'll be happy to answer.        10:55:52

11   BY MR. ANSORGE:                               10:55:52

12       Q.   I'll move to strike the -- your      10:55:55

13   answer as nonresponsive.                      10:55:58

14              Mr. Hochman --                      10:56:03

15              THE COURT REPORTER:  Did you say   10:56:06

16      something, Mark?  I'm sorry.               10:56:07

17              MR. MAO:  I said disagree.         10:56:08

18      There's a court order on this.  There      10:56:10

19      is a finding on this.                      10:56:13

20   BY MR. ANSORGE:                               10:56:13

21       Q.   And Mr. Hochman, you're not          10:56:16

22   opining that Google distinguishes between    10:56:17

23   non-Chrome private browsing data and         10:56:20

24   non-Chrome browsing data, correct?           10:56:25

25              MR. MAO:  Objection to the form    10:56:26
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1	of the question.	10:56:27
2	Go ahead.	10:56:27
3	A. I don't think that I've yet	10:56:31
4	found any incognito detection bit that	10:56:33
5	relates to non-Chrome browsing. The	10:56:37
6	method I know that Google used for	10:56:41
7	incognito detection was applicable to the	10:56:43
8	Chrome browser, not -- when not on iOS.	10:56:48
9	BY MR. ANSORGE:	10:56:55
10	Q. Do you offer any opinion on how	10:56:57
11	Google should distinguish between private	10:56:58
12	browsing mode data at issue for class 2	10:57:03
13	and signed-out non-private browsing data	10:57:04
14	for any non-Chrome browser?	10:57:06
15	A. I understand that you're	10:57:13
16	commenting that this could pose some	10:57:14
17	difficulty for Google, that they might	10:57:16
18	have to delete a lot of data that they	10:57:19
19	would rather not delete.	10:57:21
20	I haven't proposed a solution	10:57:22
21	for them, but it is a problem of their own	10:57:24
22	making.	10:57:27
23	Q. Move to strike as nonresponsive.	10:57:36
24	Mr. Hochman, do you offer any	10:57:37
25	opinion on how Google should distinguish	10:57:39

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1	between private browsing mode data at	10:57:42
2	issue for class 2 and signed-out	10:57:46
3	non-private browsing data from any	10:57:48
4	non-Chrome browser?	10:57:50
5	MR. MAO: Objection to the form	10:57:53
6	of the question, incomplete	10:57:56
7	hypothetical.	10:57:58
8	Go ahead.	10:57:58
9	A. So per my prior answer, which I	10:58:00
10	will further summarize, I haven't found	10:58:03
11	yet a method that Google uses to	10:58:08
12	distinguish private browsing from	10:58:12
13	non-private browsing for the members of	10:58:15
14	class 2.	10:58:19
15	BY MR. ANSORGE:	10:58:19
16	Q. And as you sit here before us	10:58:22
17	today, can you think of any method that	10:58:24
18	you would propose?	10:58:26
19	A. I haven't -- I would have to see	10:58:33
20	more information from Google about their	10:58:37
21	systems to address that.	10:58:39
22	Q. Mr. Hochman, yesterday you	10:58:45
23	testified that you don't see a statement	10:58:48
24	in your report that asserts that Google is	10:58:51
25	using fingerprinting, but you're drawing	10:58:53

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